

FORM 26. Docketing Statement

Form 26 (p. 1)
July 2020

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DOCKETING STATEMENT

Case Number: 2024-1285

Short Case Caption: Apple Inc. v. International Trade Commission

Filing Party/Entity: Apple Inc.

Instructions: Complete each section or check the box if a section is intentionally blank or not applicable. Attach additional pages as needed. Refer to the court's Mediation Guidelines for filing requirements. An amended docketing statement is required for each new appeal or cross-appeal consolidated after first filing.

Case Origin	Originating Number	Type of Case
U.S. International Trade Commission	337-TA-1276	Administrative Proceeding

Relief sought on appeal: ☐ None/Not Applicable

Reversal of ITC's determination of violation by Apple Inc. of 19 U.S.C. § 1337, and vacatur of cease and desist order and limited exclusion order imposed on Apple.

Relief awarded below (if damages, specify): ☐ None/Not Applicable

Cease and desist order and limited exclusion order imposed on Apple.

Briefly describe the judgment/order appealed from:

The ITC determined that Apple violated 19 U.S.C. § 1337 with respect to five asserted patent claims.

Nature of judgment (select one):

Date of judgment: 10/26/23

☒ Final Judgment, 28 USC § 1295☐ Rule 54(b)☐ Interlocutory Order (specify type) _____☒ Other (explain) _____

Per § 1337(c), (j), judgment became final to Apple on December 26, 2023

FORM 26. Docketing Statement

Form 26 (p. 2)
July 2020

Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued. ☒ None/Not Applicable

Apple is unaware of any related cases pending before this Court.

Issues to be raised on appeal: ☐ None/Not Applicable

Issues to be raised include: (1) Whether Intervenor's satisfied the domestic industry requirement of § 1337, (2) whether U.S. Patent Nos. 10,912,502 ("502 patent") and 10,945,648 ("648 patent") are unenforceable under the doctrine of prosecution laches, (3) whether the '502 and '648 patents are invalid as obvious and/or for lack of written description, and (4) whether Apple infringed the '502 and '648 patents.

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below
☒ During the pendency of the case below
☐ Following the judgment/order appealed from

If "yes," were the settlement discussions mediated? ☒ Yes ☐ No

If they were mediated, by whom?

Apple and Intervenor's conducted an in-person mediation with Hon. Layn Phillips in Newport Beach, California on April 20, 2022.

Do you believe that this case may be amenable to mediation? ☒ Yes ☐ No

Explain.

Apple and Intervenor's have a mediation with Judge Phillips scheduled.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

See above.

Date: 1/24/24 Signature: /s/ Mark D. Selwyn
Name: Mark D. Selwyn